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REMARKS

Reconsideration of the above referenced application in view of the enclosed amendments and remarks is requested. Claims 1-17 remain in the application.

ARGUMENT

Claims 1-17 are rejected under 35 USC 102(e) as being anticipated by Mack, et al. (US Patent Application Publication 2002/0054115 A1) (hereinafter Mack).

Embodiments of the present invention comprise a method and apparatus for creating and presenting composite images of objects on a web page for use in an e-commerce transaction. In the present invention, a custom composite image may be created by projecting a first image onto another image using a 3D mesh surface mapping function to create the composite image. As discussed in the Specification at page 5, line 11 to page 6, line 1:

In accordance with an embodiment of the present invention, the custom text 204 may be applied to the ball in the image 106 ***such that the text 204 appears to conform to the shape of the ball.*** This may be referred to "***surface mapping***" the text 204 to the ball.

This may be provided with *meshes 202, 208, and 210. Each mesh 202, 208, and 210 may be characterized by a surface function, e.g., a mathematical description of the surface of the mesh in space.* Although three distinct shapes of meshes are shown in this example, any number and type of ***three-dimensional (3D) meshes*** known in the computer graphics art may be employed. For example, meshes in the shapes of cylinders, rods, cubes, sheets, ovals, other complex shapes, and so on, may be used. ***The user may select from among the meshes 202, 208, and 210, a particular mesh representing a surface that roughly approximates the shape and curvature of the area of the image 106 at which the user desires to apply the text 204.*** (emphasis added)

See also the Specification at page 6, line 20 to page 7, line 1:

Pixels representing the text 204 may be generated and ***may be applied, according to a surface function of the selected mesh 302,*** to the portion of the image 106 representing the ball (in this example). ***Consequently, an image 402 may be produced in which the text 204 appears to wrap around the surface of the ball in the image 106, as***

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though the text 204 were on the ball when the picture of the ball was captured. (emphasis added)

It is clear from the cited passages of the Specification that the present invention contemplates projecting a first image onto a second image using a 3D mesh sized and positioned so as to form the composite image. Projecting here means using a mathematical function (such as a surface function, for example) to conform the second image in the shape of the selected 3D mesh when applying it to the first image. This is very different than merely copying the first image on top of the second image in two dimensions, without changing the first image.

Mack provides a web-based system for creating composite images (e.g., images for use as bumper stickers) from clip art, user-supplied images, and text. Mack's system allows a user to select multiple images (such as text, clip art, photos, etc.) and combine them in two dimensions using a mouse and buttons on a web page. The resulting composite image can be then be printed on conventional bumper stickers and purchased by the user. In Mack's system, all images are two-dimensional (2D). Mack does not disclose using 3D images. Further, Mack does not disclose meshes, either 2D or 3D, as that term is commonly understood in the field of computer graphics. In Mack, when one image is copied on top of at least a portion of another image on the workspace window in a web page, the overlapping portion of the first image overwrites the overlapped portion, so the underlying image cannot be seen (see Mack at col. 4, paragraph 24, lines 7-10). Mack does not disclose mathematically projecting one image onto another image using a 3D mesh and a surface function, as that term is understood in the art of computer graphics. Since Mack does not disclose 3D meshes, Mack does not teach allowing a user to select a 3D mesh, nor sizing and positioning of a 3D mesh.

Turning now to independent claim 1, the claim includes the limitations of selecting an image of a 3D mesh, sizing and positioning the 3D mesh image over a selected area of the first image, and projecting a second image onto the first image using the selected 3D mesh image as sized and positioned to form a composite image. Since Mack does not teach or suggest anything at all about 3D meshes, Mack does not teach or suggest selecting an image of a 3D mesh. Further, Mack

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does not teach or suggest sizing and positioning the 3D mesh image over a selected area of a first image. Finally, Mack does not teach or suggest mathematically projecting a second image onto the first image using the selected 3D mesh image as sized and positioned to form the composite image.

Since Mack does not teach or suggest at least three limitations of claim 1, Mack cannot form the basis for a valid rejection of the claim under section 102(e) because all limitations of the claim are not taught by the reference. Therefore, claim 1 is allowable as presented and the rejection must be withdrawn.

As to claims 2-4, they depend from allowable claim 1. Hence, they are also allowable.

As to claim 5, it depends from allowable claim 1. Hence, it is also allowable. In addition, there is absolutely no teaching or suggestion in Mack that the first image comprises an image of a body part of a human being.

As to claims 6-10, they are allowable under the same rationale as claims 1-5 above.

Regarding independent claim 11, this claim includes the limitations of providing a set of 3D mesh images, accepting a user selection for a selected one of the mesh images, accepting sizing and positioning of the selected mesh over a selected area of a digital photograph, and projecting a first image onto the selected area of the digital photograph using the selected mesh image to form a personalized image. As noted above, Mack teaches nothing about 3D meshes, sizing and positioning of 3D meshes, and mathematical projections of one image onto another image using a surface function. Mack does not teach or suggest at least the limitations cited above. For claim 11 to be validly rejected under 35 USC 102(e), Mack must disclose all limitations of the claim. It is clear that Mack does not. Therefore, claim 11 is allowable as presented.

As to claims 12-13, they depend from allowable claim 11. Hence, they are also allowable.

As to claim 14, it depends from allowable claim 11. Hence, it is also allowable. In addition, there is absolutely no teaching or suggestion in Mack that the first image comprises an image of a body part of a human being.

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As to claims 15-17, they are allowable under the same rationale as claims 11-14 above.

CONCLUSION

In view of the foregoing, Claims 1-17 are all in condition for allowance. If the Examiner has any questions, the Examiner is invited to contact the undersigned at (503) 264-8074. Early issuance of Notice of Allowance is respectfully requested.

Respectfully submitted,

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